

DECLARATION AND POWER OF ATTORNEY- USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES; the specification of which was filed on **August 22, 2003** as Application Serial No. **10/647065**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: **60/472673**

Filing Date: **05/21/03**

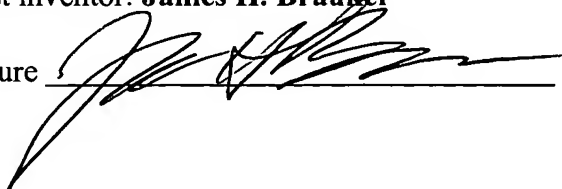
Status: **Copending**

POWER OF ATTORNEY: I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, 14th Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **James H. Brauker**

Inventor's signature



Date _____

Residence: 10831 Riesling Drive, San Diego, CA 92131

Citizenship: United States

Mailing Address: 10831 Riesling Drive, San Diego, CA 92131

Full name of second inventor: Victoria Carr-Brendel

Inventor's signature  _____

Date 7/8/04 _____

Residence: 3735 Grillo Court, Pleasanton, CA 94566

Citizenship: United States

Mailing Address: 3735 Grillo Court, Pleasanton, CA 94566

Full name of third inventor: Mark A. Tapsak

Inventor's signature _____

Date _____

Residence: 247 Asbury Road, Orangeville, PA 17859

Citizenship: United States

Mailing Address: 247 Asbury Road, Orangeville, PA 17859

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

Date 7/13/04

Residence: **10831 Riesling Drive, San Diego, CA 92131**

Citizenship: **United States**

Mailing Address: **10831 Riesling Drive, San Diego, CA 92131**

Full name of second inventor: **Victoria Carr-Brendel**

Inventor's signature _____

Date _____

Residence: **3735 Grillo Court, Pleasanton, CA 94566**

Citizenship: **United States**

Mailing Address: **3735 Grillo Court, Pleasanton, CA 94566**

Full name of third inventor: **Mark A. Tapsak**

Inventor's signature 

Date 7/1/04

Residence: **247 Asbury Road, Orangeville, PA 17859**

Citizenship: **United States**

Mailing Address: **247 Asbury Road, Orangeville, PA 17859**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

DEXCOM.012A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brauker, et al.)
App. No. : 10/647065)
Filed : 22-Aug-2003)
For : POROUS MEMBRANES FOR USE)
WITH IMPLANTABLE DEVICES)
Examiner : Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this

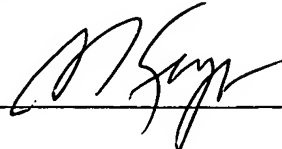
App. No. : 10/647065
Filed : 22-Aug-2003

application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

DexCom, Inc.

Dated: 7-15-04

By: 

Title: CFO

Address: 6725 Mesa Ridge Road
Suite 100
San Diego, CA 92121

S:\DOCS\RMTRMT-4129.DOC
060204

ASSIGNMENT

WHEREAS, We, James H. Brauker, a United States citizen, residing at 10831 Riesling Drive, San Diego, CA 92131, Victoria Carr-Brendel, a United States citizen, residing at 3735 Grillo Court, Pleasanton, CA 94566, and Mark A. Tapsak, a United States citizen, residing at 247 Asbury Road, Orangeville, PA 17859, have invented certain new and useful improvements in a POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES for which we have filed an application for Letters Patent in the United States, Application Number 10/647065, filed on August 22, 2003;

AND WHEREAS, DexCom, Inc. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 6725 Mesa Ridge Road, Suite 100, San Diego, CA 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 13th day of July, 2004

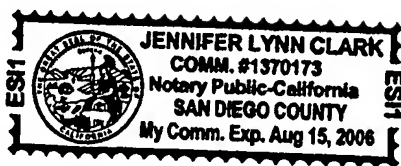

James H. Brauker

STATE OF California
COUNTY OF San Diego ss.

On July 13, 2004 before me, Jennifer Clark, personally appeared James H. Brauker personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Clark
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 20__.

Victoria Carr-Brendel

STATE OF California }
COUNTY OF San Diego } ss.

On July 1, 2004, before me, _____, personally appeared Victoria Carr-Brendel personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

**COPY
DO NOT RECORD**

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 1st day of July, 2004

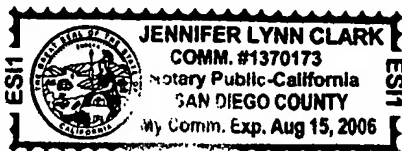
Mark A Tapsak
Mark A. Tapsak

STATE OF California }
COUNTY OF San Diego } ss.

On July 1, 2004 before me, Jennifer Clark, personally appeared Mark A. Tapsak personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Clark
Notary Signature

Application No.: 10/647065
Filing Date: August 22, 2003

Client Code: DEXCOM.012A

Page 2

[SEAL]

Notary Signature

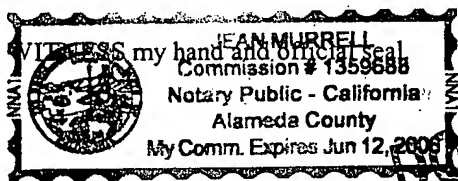
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of ____, 20__.

Victoria Carr-Brendel

STATE OF California }
COUNTY OF Alameda } ss.

On 7/10/04, before me, Sean Murrell, notary public, personally appeared Victoria Carr-Brendel personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[SEAL]



**COPY
NOT RECORD**

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of ____, 20__.

Mark A. Tapsak

STATE OF _____ }
COUNTY OF _____ } ss.

On _____, before me, _____, personally appeared Mark A. Tapsak personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature